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July 30, 2019

VIA ECF

The Honorable Michael A. Hammer, U.S.M.J.
United States District Court
M.L. King, Jr. Federal Bldg. & Courthouse, Room 4040
50 Walnut Street
Newark, New Jersey 07102

Re: *Celgene Corporation v. Hetero Labs Limited, et al.*
Civil Action No. 17-3387 (ES)(MAH) (consolidated)

Dear Judge Hammer:

This firm, together with Quinn Emanuel Urquhart & Sullivan, LLP and Jones Day, represents plaintiff Celgene Corporation ("Celgene") in the above-captioned consolidated matter.

We write on behalf of all parties regarding certain issues related to the expert declaration filed with Defendants' *Markman* Response Brief (D.I. 386) ("Macfarlane Declaration"). Because Dr. Macfarlane was disclosed for the first time with Defendants' responsive brief, Celgene would not have had an opportunity to rebut the declaration. Accordingly, Celgene and Defendants met and conferred and agree that Celgene can depose Dr. Macfarlane regarding the testimony in his declaration, and the parties can thereafter submit supplemental briefing addressing the Macfarlane Declaration, as set forth below:

- **August 23, 2019**: Celgene shall depose Dr. Macfarlane;
- **September 11, 2019**: Celgene shall submit a six (6) page Supplemental Responsive *Markman* Brief addressing: (i) Dr. Macfarlane's deposition; (ii) the Macfarlane Declaration; and (iii) the corresponding portions of Defendants' *Markman* Response Brief (D.I. 385); and
- **September 11, 2019**: Defendants shall submit a three (3) page Supplemental Responsive *Markman* Brief addressing solely Dr. Macfarlane's deposition.

If this agreement and schedule meet with Your Honor's approval, we respectfully request that Your Honor sign and enter the below form of endorsement.

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Thank you for Your Honor's kind attention to this matter.

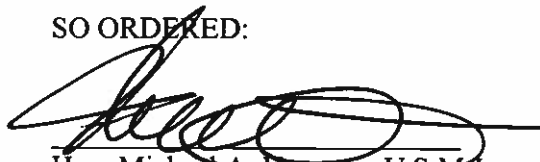
Respectfully yours,

William C. Baton

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cc: Hon. Esther Salas, U.S.D.J. (via ECF)
All Counsel (via e-mail)

SO ORDERED:


Hon. Michael A. Hammer, U.S.M.J.
9/10/2019